

REMARKS

Applicants have amended claims 1 and 2 to particularly point out the subject matter of their invention and also to correct a minor deficiency. Support for the amendments can be found in the specification at page 3, lines 13–15 and at page 3, line 32 throughout page 4, line 2. Applicants have also amended the specification to rectify a clerical error.

No new matter has been introduced by the amendments.

Claims 1-16 are currently pending. Applicants request that the Examiner reconsider the application, as amended, in view of the remarks below.

35 U.S.C. § 102 (b) Rejection

The Examiner rejects claims 1-16 as being anticipated by each of JP 07-289910, JP 05-220403, and EP 0415410. Of note, claim 1, the only independent claim among the rejected claims, will be discussed first.

Claim 1, as amended, is directed to a catalyst having copper oxide, a mixture of ZSM-5 zeolite and zeolite β , and an oxide selected from the group consisting of magnesium oxide and calcium oxide. The mixture has a mass ratio of ZSM-5 zeolite to zeolite β in the range of 1:1 to 10:1. See support in the specification at page 3, lines 13–15, page 10, Example 5, and also in a declaration by inventor Takuji Nakane, attached hereto as “Exhibit A”.

None of the three references cited by the Examiner discloses a catalyst having a mixture of two zeolites, a feature of amended claim 1. Referring to the two Japanese patent documents, JP 07-289910 only teaches catalysts having ZSM-5 zeolite¹ and JP 05-220403 only teaches catalysts having zeolite β .² EP 0415410, the third reference, does not disclose zeolite β required by amended claim 1; it only discloses ZSM-5 and other examples of zeolites (excluding zeolite β).³ Amended claim 1, therefore, is clearly not

¹ See, e.g., JP 07-289910, [0057] Table 1.

² See, e.g., JP 05-220403, Abstract.

³ See, e.g., EP 0415410, Examples 2-1 and 3-1, and Table 2-1.

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anticipated by any of these references. Neither are claims 2-16, all of which depend from claim 1.

CONCLUSION

Applicants submit that the grounds for rejection asserted by the Examiner have been overcome, and that claims 1-16, as pending, define subject matter that is novel over the prior art. On this basis, it is submitted that all pending claims are now in condition for allowance, an action of which is requested.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Petition for Extension of Time fee in the amount of \$450 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to Deposit Account No. 50-4189, referencing Attorney Docket No. 66501-014US1.

Respectfully submitted,

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